

<b>USDS SDNY</b>
<b>DOCUMENT</b>
<b>ELECTRONICALLY FILED</b>
<b>DOC #:</b> _____
<b>DATE FILED:</b> <u>2-24-11</u>

SAND, O

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LEONID MIKITYANSKIY,  <i>Plaintiff,</i>  v.  SEARS ROEBUCK AND CO. and KENMORE,  <i>Defendants.</i>
--

Civil Action No.

10-CV-07667 (LBS)

Jury Trial Demanded

ORDER OF DISMISSAL

In light of the stipulation of dismissal between Plaintiff Leonid Mikityanskiy ("Relator"), and Defendants Sears Roebuck and Co. and Kenmore (collectively "Sears"), the Court hereby orders as follows:

- A. This is an action by Relator claiming false patent marking.
- B. The action, including any claims and/or counterclaims that have been or could have been asserted in the instant action, is hereby discontinued and dismissed with prejudice.
- C. Any and all claims which have been or could have been brought by Relator, on behalf of himself, the United States and the general public, regarding Sears' alleged false marking or advertising or causing or contributing to false marking or advertising under 35 U.S.C. § 292 of any product manufactured or sold are fully resolved.
- D. The dismissal fully resolves any issue relating to the marking of any and all of Sears' products with any and all patents set forth in the Complaint.

E. Relator is in privity with the United States of America and the general public for the purposes of this litigation.

F. Relator consents to dismissal with prejudice of all of his claims in the Complaint.

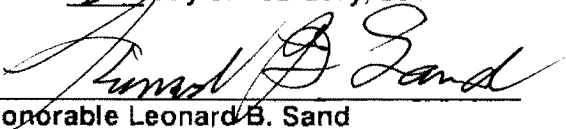
G. Each party shall bear their own attorney fees and costs incurred in connection with this action.


H. Relator's false patent marking claims against Sears, as set forth in the Complaint filed October 6, 2010, are hereby dismissed with prejudice.

Accordingly, pursuant to Federal Rule of Civ. P. 41(a)(1)(a)(ii), this case is hereby dismissed.

SO ORDERED

Dated this 24 day of February, 2011

  
The Honorable Leonard B. Sand  
United States District Judge



**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

LEONID MIKITYANSKIY,

*Plaintiff,*

v.

SEARS ROEBUCK AND CO. and  
KENMORE,

*Defendants.*

**Civil Action No.**

**10-CV-07667 (LBS)**

**Jury Trial Demanded**

**STIPULATION OF DISMISSAL**

Plaintiff Leonid Mikityanskiy ("Relator"), and Defendants Sears Roebuck and Co. and Kenmore (collectively "Sears"), by and through their counsel, Schiff Hardin LLP, hereby stipulate and agree:

- A. This is an action by Relator claiming false patent marking.
- B. The action, including any claims and/or counterclaims that have been or could have been asserted in the instant action, is hereby discontinued and dismissed with prejudice.
- C. Any and all claims which have been or could have been brought by Relator, on behalf of himself, the United States and the general public, regarding Sears' alleged false marking or advertising or causing or contributing to false marking or advertising under 35 U.S.C. § 292 of any product manufactured or sold are fully resolved.
- D. The stipulation between the parties fully resolves any issue relating to the marking of any and all of Sears' products with any and all patents set forth in the Complaint.

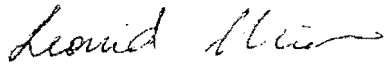
E. That Relator is in privity with the United States of America and the general public for the purposes of this litigation.

F. That Relator consents to dismissal with prejudice of all of his claims in the Complaint.

G. That each party shall bear their own attorney fees and costs incurred in connection with this action.

Dated: February 23, 2011

Respectfully submitted,



---

Leonid G. Mikityanskiy  
Law Offices of Leo Mikityanskiy, P.C.  
1517 Voorhies Avenue  
Brooklyn, NY 11235  
Telephone: (718) 256-3210  
Facsimile: (718) 256-3011  
Leo@LMattorney.com

*Attorney for Plaintiff Leonid Mikityanskiy*



---

Thomas M. Crispi  
Schiff Hardin LLP  
900 Third Avenue, 23rd Floor  
New York, NY 10022  
Telephone: 212-745-0865  
Facsimile: 212-753-5044  
tcrispi@schiffhardin.com

*Attorney for Defendants Sears Roebuck  
and Co. and Kenmore*